

OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
1301 CLAY STREET, 400 S. TOWER
OAKLAND, CALIFORNIA 94612-5212

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



OF

Adam Anaya
4457 Golden Eagle Loop NE
Rio Rancho, NM 87144

22-md-03047-YGR

1 [Submitting Counsel on Signature Page]
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 IN RE: SOCIAL MEDIA ADOLESCENT
12 ADDICTION/PERSONAL INJURY
13 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

14 This Document Relates to:
15 ALL PERSONAL INJURY ACTIONS
16
17
18

**~~PROPOSED~~ REVISED SECOND
AMENDED STIPULATED
IMPLEMENTATION ORDER
GOVERNING ADOPTION OF MASTER
COMPLAINT (PERSONAL INJURY) AND
SHORT-FORM COMPLAINTS FOR
FILED CASES**

19 **I. APPLICABILITY AND SCOPE OF ORDER**

20 This Implementation Order (“Order”) applies only to Plaintiffs who have asserted or seek
21 to assert personal injury claims related to the use of one or more of Defendants’ social media apps¹
22 (“Personal Injury Plaintiffs”) consistent with the scope of the October 11, 2022 Transfer Order
23 initiating these MDL proceedings.² No personal injury claims may be asserted in current or future
24 filed cases in this MDL other than pursuant to the terms of this Order. This Order applies to cases
25 directly filed in this MDL and those transferred, removed, or otherwise assigned to this proceeding

26 ¹ Plaintiffs allege in the Second Amended Master Complaint and their proposed Short Form
27 Complaint that the social media apps are “products.” Nothing in this Case Management Order or
28 in the template Short Form Complaint shall be construed as an admission by any Defendant that
their social media platform(s) are products for purposes of any claim asserted by any Plaintiff.

² This Order does not apply to government entity cases.

(collectively, “this MDL proceeding”). This Order is binding on all Parties and their counsel in all such cases. This Order is not intended to alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Rules of this Court, except as specified herein or in any subsequent Pretrial Order. Defendants preserve all defenses, including jurisdictional and venue challenges, to any claims brought in this MDL pursuant to this Order.

II. MASTER PLEADINGS

A. MASTER COMPLAINT (PERSONAL INJURY)

1. **Timing.** Pursuant to Case Management Order No. 7 (“CMO-7”),³ the Plaintiffs’ Steering Committee (PSC) filed a *Second Amended Master Complaint (Personal Injury)* (“*Master Complaint*”) on December 15, 2023.⁴

2. **Effect of *Master Complaint*.** All claims pleaded in the *Master Complaint* will supersede and replace all claims for personal injury in any action pending in this MDL. In accordance with CMO-7, individual plaintiffs who wished to maintain the causes of action withdrawn in the *Master Complaint* filed amended Short-Form Complaints re-asserting those counts (and any supporting allegations) on Tuesday, **January 2, 2024**. If an amended Short-Form Complaint was not filed, individual plaintiffs were deemed to stand on their earlier filed individual Short-Form Complaints, which are deemed amended to conform with the *Master Complaint*.⁵ Nothing in this Order shall preclude the PSC from seeking leave to amend the *Master Complaint* as provided in the Federal Rules of Civil Procedure or preclude any Defendant from opposing such leave.

B. SHORT-FORM COMPLAINT

1. Attached as **Exhibit A** to this Order is a template form *Short-Form Complaint* (“SFC”) for use by personal injury Plaintiffs in current and future-filed personal injury cases in this MDL.

³ Dkt. 479.

⁴ Dkt. 494.

⁵ Dkt. 479, at 2.

2. The SFC is an abbreviated form that each individual Plaintiff will complete, indicating their individual claims, the Defendants against whom they are bringing those claims, and adopting the applicable factual allegations set forth in the *Master Complaint* as the basis for those individual claims. Each Plaintiff who claims injury arising from their own use of Defendants' platforms shall file a separate SFC setting forth their individual claims and injury. Plaintiffs asserting loss of consortium claims as permitted by law; parents or guardians of a minor Plaintiff as permitted by law; and in the event of a wrongful death action, the appropriate heirs or representative(s) of the Estate may state their claims on the same SFC as the individual Plaintiff whose use of Defendants' platforms gives rise to their claims. By this process, all allegations applicable to the specific Defendants named in the SFC that are set forth in the *Master Complaint* shall be deemed pleaded against those Defendants.

3. For each such personal injury action, the *Master Complaint* (and any subsequent amendments) and the SFC (and any subsequent amendments) shall be deemed the Plaintiff's operative Complaint.

4. Each SFC filed in this MDL proceeding shall indicate the federal district where the individual Plaintiff(s) originally filed or would have originally filed their Complaint.

5. The procedures for filing the *Master Complaint* and the SFC do not reflect that the Defendants have agreed to or admitted the allegations set forth in those pleadings, nor have the Defendants conceded or waived their right to dispute the legal validity of the claims alleged therein.

C. TIMING AND EFFECT OF FILING SHORT FORM COMPLAINTS

1. All Personal Injury Complaints

a. **Direct Filed cases:** All Personal Injury Plaintiffs must file their SFCs electronically in this MDL. The Court refers Plaintiffs' counsel to Case Management Order No. 4 – Direct Filing Order (“CMO-4”),⁶ which is incorporated herein and should be reviewed and followed. For purposes of statutes of limitations and statutes of repose, any such Plaintiff shall be deemed to have filed their Complaint as of the date they filed their Short Form Complaint and not

⁶ Dkt. 119.

1 the date of any master complaint, except that, for any Plaintiff who filed a Personal Injury
2 Complaint in this MDL pursuant to CMO-4 before March 8, 2023 (the date the original version of
3 this Order was entered), the date on which they filed such Complaint shall be the relevant date.

4 b. **Transferred cases:** Any Plaintiff whose case becomes part of this
5 MDL after March 8, 2023 (the date of filing of the original version of this Order (Dkt. 177)) by
6 transfer from another district or from another judge in this district must file a SFC within 20 days
7 from the date of transfer or, if originally filed in this district, from the date of assignment to this
8 Court. For purposes of statutes of limitations and statutes of repose, any such Plaintiff shall be
9 deemed to have filed their Complaint as of the date they filed their original Complaint in a different
10 judicial district or in this district and not the date of any master complaint or the date they filed their
11 Short Form Complaint. For purposes of statutes of limitations and statutes of repose, any Plaintiff
12 whose case became part of this MDL before March 8, 2023, shall be deemed to have filed their
13 complaint as of the date they filed their original complaint, and not the date of any master complaint
14 or the date they filed the SFC. Nothing in this Order or the filing of a SFC shall be construed as a
15 prior dismissal or amendment of a prior complaint, but the prior complaint shall no longer be
16 deemed the operative complaint.

17 2. **No Multi-Plaintiff Personal Injury Complaints.** Each Plaintiff must have an
18 individual complaint on file. Any Plaintiff who asserts personal injury claims in a multi-plaintiff
19 complaint that is pending or that is subsequently transferred to this MDL must file an individual SFC
20 20 days from the date that the Court posts the applicable Transfer Order on its docket. This provision
21 does not apply to Personal Injury Plaintiffs asserting loss of consortium claims as permitted by law;
22 parents or guardians of a minor Plaintiff as permitted by law; and in the event of a wrongful death
23 action, the appropriate heirs or representative(s) of the Estate.

24 **III. RESPONSE TO MASTER COMPLAINT AND SHORT-FORM COMPLAINTS**

25 To eliminate potential delays and to promote judicial efficiency with respect to the
26 administration of this MDL proceeding, all SFCs filed in this MDL proceeding are deemed
27 answered and denied, without waiver of any defense or right to move to dismiss, and with full
28

1 preservation of all arguments and defenses that may be raised in any responsive pleading that may
2 be required by future order of the Court or motion to dismiss.

3 **IV. SERVICE OF PROCESS**

4 **A. SERVICE OF PROCESS OF NEWLY NAMED DEFENDANTS**

5 1. Plaintiffs may file an action against any Defendant not named in the current
6 *Master Complaint* (“*Newly Named Defendants*”) directly in the MDL by using the SFC⁷ and the
7 *Master Complaint* which is deemed adopted into any filed SFC.

8 2. By this Order, Plaintiffs who name any “*Newly Named Defendant*” in their
9 SFC may effectuate service of process on each “*Newly Named Defendant*” by serving the following
10 upon each *Newly Named Defendant* named in the SFC, in accordance with Rule 4 of the Federal
11 Rules of Civil Procedure:

- 12 a. a copy of the *Master Complaint*;
- 13 b. the SFC;
- 14 c. a copy of this Order, and,
- 15 d. a Summons.

16 3. To the extent Plaintiffs name Meta Platforms Technologies, LLC, Meta
17 Payments, Inc., or Whatsapp Inc. as *Newly Named Defendants*, the entities agree to waive formal
18 service of summons pursuant to Rule 4 of the Federal Rules of Civil Procedure. Service shall be
19 effectuated pursuant to the Section IV.B of this Order.

20 4. The right of Defendants and “*Newly Named Defendants*” to challenge
21 jurisdiction and venue are hereby preserved and explicitly not waived by Plaintiffs’ direct filing of
22 SFCs.

23 **B. SERVICE OF PROCESS WAIVER OF THE DEFENDANTS NAMED IN**
24 **THE CURRENT MASTER COMPLAINT**

25 1. CMO-4, Section II (G) is amended as follows: For SFCs that are properly
26 filed in this MDL, the Defendants Meta Platforms, Inc., *formerly known as Facebook Inc.*;
27 Instagram, LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Siculus, Inc.; Meta

28 ⁷ See Section II.B of the SFC.

1 Platforms Technologies, LLC; Meta Payments, Inc.; Whatsapp Inc.; Snap Inc.; ByteDance, Inc.;
2 TikTok, Inc; ByteDance Ltd.; TikTok Ltd.; TikTok LLC; YouTube, LLC; and Google LLC agree
3 to waive formal service of summons pursuant to Rule 4 of the Federal Rules of Civil Procedure.
4 Please note that a Plaintiff that is serving a SFC, Summons, and Civil Cover Sheet is **not** required
5 to serve a copy of the *Master Complaint* upon the currently named Defendants.

6 2. MDL Centrality will provide a mechanism for Plaintiffs to upload and serve
7 copies of the Complaint, Summons, and Civil Cover Sheet that were Electronically Filed with the
8 Court on Defendants. MDL Centrality is accessible at www.mdlcentrality.com/socialmedia. Each
9 Plaintiff, through counsel or *pro se*, may obtain authorized usernames and secure login passwords
10 to permit the use of MDL Centrality by emailing socialmedia@browngreer.com.

11 3. Absent a technical failure, Plaintiffs must upload the file-stamped version of
12 the SFC and a fillable PDF version of the SFC to MDL Centrality on the same day that the SFC is
13 filed with the Court. Service on Defendants shall be deemed to occur when the submitting party
14 has received the MDL Centrality confirmation report that the materials have been successfully
15 submitted to Defendants.

16 4. For any Short Form Complaint filed *on or before* the date of this Order, a
17 file-stamped copy of the Short Form Complaint must be uploaded to MDL Centrality within
18 fourteen (14) days of the date of this Order. Additionally, if counsel possesses a fillable PDF
19 version of any previously filed Short Form Complaint, the fillable PDF version must also be
20 uploaded to MDL Centrality by this date.

21 5. Plaintiffs shall make proof of electronic service to the Court as required by
22 Rule 4(l)(1) of the Federal Rules of Civil Procedure. Plaintiffs may use the MDL Centrality report
23 to demonstrate proof of service.

24 6. In the event a Plaintiff intends to name a Defendant not listed above, the
25 Plaintiff must serve the unlisted Defendant by the methods of service prescribed by the Federal
26 Rules of Civil Procedure.

27 7. For all SFCs filed in, removed to, or transferred to this MDL: (i) all requests
28 for issuance of summons shall be made in the underlying constituent case, and not through the

MDL Master Docket File; (ii) all proofs of service shall be filed only in the underlying constituent case and not in the MDL Master Docket File. Acceptance of electronic service shall not constitute a waiver of any defense.

DATED: February 5, 2024

Respectfully submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: **February 20, 2024**


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

ATTESTATION

I, Lexi J. Hazam, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: February 5, 2024

/s/Lexi J. Hazam

Lexi J. Hazam

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

[INSERT PLAINTIFF(S) NAME(S)]

Member Case No.:

[INSERT Member Case No. if available]

**MASTER SHORT-FORM COMPLAINT
AND DEMAND FOR JURY TRIAL**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against the Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Second Amended Master Complaint (Personal Injury)* ("Second Amended Master Complaint") (ECF No. 494) as it relates to the named Defendants (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by the Second Amended Stipulated Implementation Order Governing Adoption of Master Complaint (Personal Injury) and Short-Form Complaints for Filed Cases and by Case Management Order No. 7 (ECF No. 479).

As necessary herein, Plaintiff(s) may include: (a) additional Causes of Action and supporting allegations against Defendants, as set forth in Section III in additional sheets attached hereto; and/or (b) additional claims and allegations against other Defendants not listed in the *Second Amended Master Complaint*, and may attach additional sheets hereto.

Plaintiff(s) indicate by checking boxes below the Parties and Causes of Actions specific to Plaintiff(s)' case.

1 Plaintiff(s), by and through their undersigned counsel, allege as follows:

2 **I. DESIGNATED FORUM**

3 **A. *For Direct Filed Cases:*** Identify the Federal District Court in which the
4 Plaintiff(s) would have filed in the absence of direct filing:

5 _____
6 **B. *For Transferred Cases:*** Identify the Federal District Court in which the Plaintiff(s)
7 originally filed and the date of filing:

8 _____
9 **II. IDENTIFICATION OF PARTIES**

10 **A. PLAINTIFF**

11 1. *Plaintiff:* Name of the individual injured due to use of Defendant(s)' social
12 media products:

13 _____
14 2. Age at time of filing: _____

15 3. City(ies) and state(s) where Plaintiff primarily used Defendants' platforms:

16 _____
17 4. Last Name and State of Residence of *Guardian Ad Litem*, if applicable:

18 _____
19 5. Name of the individual(s) that allege damages for loss of society or consortium
20 (*Consortium Plaintiff(s)*) and their relationship to Plaintiff, if applicable:

21 _____
22 6. *Survival and/or Wrongful Death Claims, if applicable:*

23 (a) Name of decedent and state of residence at time of death:

24 _____
25 (b) Date of decedent's death:

26 _____
27 (c) Name and capacity (*i.e.* executor, administrator, etc.) of Plaintiff(s)
28 bringing claim for decedent's wrongful death:

7. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) are residents and citizens of [*Indicate State*]:

B. DEFENDANT(S)

Plaintiff(s) name(s) the following Defendants in this action [*Check all that apply*]:

META ENTITIES

- ☐ META PLATFORMS, INC.,
formerly known as Facebook, Inc.
- ☐ INSTAGRAM, LLC
- ☐ FACEBOOK PAYMENTS, INC.
- ☐ SICULUS, INC.
- ☐ FACEBOOK OPERATIONS, LLC

TIKTOK ENTITIES

- ☐ BYTEDANCE LTD.
- ☐ BYTEDANCE INC.
- ☐ TIKTOK LTD.
- ☐ TIKTOK LLC.
- ☐ TIKTOK INC.

SNAP ENTITY

- ☐ SNAP INC.

GOOGLE ENTITIES

- ☐ GOOGLE LLC
- ☐ YOUTUBE, LLC

OTHER DEFENDANTS

For each "Other Defendant" Plaintiff(s) contend(s) are additional parties and are liable or responsible for Plaintiff(s) damages alleged herein, Plaintiffs must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each "Other Defendant" in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

	NAME	CITIZENSHIP
1		
2		
3		
4		

5

C. PRODUCT USE

Plaintiff used the following Social Media Products that substantially contributed to their injury/ies (check all that apply, and identify approximate dates of use, to the best of Plaintiff's recollection):

☐ FACEBOOK

Approximate dates of use: _____ to _____

☐ INSTAGRAM

Approximate dates of use: _____ to _____

☐ SNAPCHAT

Approximate dates of use: _____ to _____

☐ TIKTOK

Approximate dates of use: _____ to _____

☐ YOUTUBE

Approximate dates of use: _____ to _____

☐ OTHER:

Social Media Product(s) Used	Approximate Dates of Use

D. PERSONAL INJURY¹

Plaintiff(s) experienced the following personal injury/ies alleged to have been caused by Defendant(s)' Social Media Products [*Check all that apply*]:

☐ **ADDICTION/COMPULSIVE USE**

☐ **EATING DISORDER**

☐ Anorexia

☐ Bulimia

☐ Binge Eating

☐ Other: _____

☐ **DEPRESSION**

☐ **ANXIETY**

☐ **SELF-HARM**

☐ Suicidality

☐ Attempted Suicide

☐ Death by Suicide

☐ Other Self-Harm: _____

☐ **CHILD SEX ABUSE**

☐ **CSAM VIOLATIONS**

☐ **OTHER PHYSICAL INJURIES (SPECIFY):**

¹ Plaintiff(s) must check-off all injuries allegedly caused by Plaintiff's use of Defendant(s)' Social Media Products. Plaintiff is not required to plead here emotional or psychological injuries inherent in injuries otherwise identified, or all manifestations of the injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological injuries are asserted by Plaintiff in connection with any injury otherwise identified.

III. CAUSES OF ACTION ASSERTED

The following Causes of Action asserted in the *Second Amended Master Complaint*, and the allegations with regard thereto, are adopted in this *Short Form Complaint* by reference (*check all that are adopted*):

Asserted Against ²	Count Number	Cause of Action (CoA)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## 3	1	STRICT LIABILITY - DESIGN DEFECT
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	2	STRICT LIABILITY - FAILURE TO WARN
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	3	NEGLIGENCE - DESIGN
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	4	NEGLIGENCE – FAILURE TO WARN
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	5	NEGLIGENCE

² For purposes of this paragraph, “entity” means those defendants identified in Section II.B (*e.g.*, “TikTok entities” means all TikTok defendants against which Plaintiff(s) is asserting claims).

³ Reference selected Other Defendants by the corresponding row number in the “Other Defendant(s)” chart above, in Section II.B.

1	<input type="checkbox"/> Meta entities	7	VIOLETION OF UNFAIR TRADE
2	<input type="checkbox"/> Snap entity		PRACTICES/CONSUMER PROTECTION LAWS
3	<input type="checkbox"/> TikTok entities		<i>Identify Applicable State Statute(s):</i> _____
4	<input type="checkbox"/> Google entities		_____
	<input type="checkbox"/> Other Defendant(s)		
	##		
5	<input type="checkbox"/> Meta entities	8	FRAUDULENT CONCEALMENT AND
6	<input type="checkbox"/> Other Defendant(s)		MISREPRESENTATION (Against Meta only)
	##		
7	<input type="checkbox"/> Meta entities	9	NEGLIGENT CONCEALMENT AND
8	<input type="checkbox"/> Other Defendant(s)		MISREPRESENTATION (Against Meta only)
	##		
9	<input type="checkbox"/> Meta entities	10	NEGLIGENCE <i>PER SE</i>
10	<input type="checkbox"/> Snap entity		
11	<input type="checkbox"/> TikTok entities		
	<input type="checkbox"/> Google entities		
	<input type="checkbox"/> Other Defendant(s)		
	##		
12	<input type="checkbox"/> Meta entities	12	VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252 (Civil
13	<input type="checkbox"/> Other Defendant(s)		remedy Certain activities relating to material involving
	##		the sexual exploitation of minors) (Against Meta only)
14	<input type="checkbox"/> Meta entities	14	VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252A(5)(b)
15	<input type="checkbox"/> Other Defendant(s)		(Civil remedy for Certain activities relating to material
16	##		constituting or containing child pornography) (Against
			Meta only)
17	<input type="checkbox"/> Meta entities	16	WRONGFUL DEATH
18	<input type="checkbox"/> Snap entity		
19	<input type="checkbox"/> TikTok entities		
20	<input type="checkbox"/> Google entities		
	<input type="checkbox"/> Other Defendant(s)		
	##		
21	<input type="checkbox"/> Meta entities	17	SURVIVAL ACTION
22	<input type="checkbox"/> Snap entity		
23	<input type="checkbox"/> TikTok entities		
24	<input type="checkbox"/> Google entities		
	<input type="checkbox"/> Other Defendant(s)		
	##		
25	<input type="checkbox"/> Meta entities	18	LOSS OF CONSORTIUM AND SOCIETY
26	<input type="checkbox"/> Snap entity		
27	<input type="checkbox"/> TikTok entities		
	<input type="checkbox"/> Google entities		
	<input type="checkbox"/> Other Defendant(s)		
28	##		

1 **IV. ADDITIONAL CAUSES OF ACTION**

2 **NOTE**

3 If Plaintiff(s) wants to allege additional Cause(s) of Action other than those selected in Section III,
 4 which are the Causes(s) of Action set forth in the *Second Amended Master Complaint*, the facts
 5 supporting those additional Cause(s) of Action, must be pled in a manner complying with the
 6 requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional
 7 pages to this *Short-Form Complaint*.

8 Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against
 9 the following Defendants:

15 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such
 16 further relief that this Court deems equitable and just as set forth in the *Second Amended Master*
 17 *Complaint*, and any additional relief to which Plaintiff(s) may be entitled.

18 **JURY DEMAND**

19 Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

20 *****

21 By signature below, Plaintiff's counsel hereby confirms their submission to the authority
 22 and jurisdiction of the United States District Court for the Northern District of California for
 23 oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as
 24 necessary through sanctions and/or revocation of *pro hac vice* status.

25 /s/ Signature

26 Name

27 Firm

28 Address

Phone

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Fax
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Attorneys for Plaintiff(s)

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

ALL LOCAL GOVERNMENT AND
SCHOOL DISTRICT ACTIONS

~~CASE MANAGEMENT ORDER NO. 10:~~

~~[PROPOSED]~~ **STIPULATED
IMPLEMENTATION ORDER
GOVERNING ADOPTION OF MASTER
COMPLAINT (LOCAL GOVERNMENT
AND SCHOOL DISTRICT) AND
SHORT-FORM COMPLAINTS FOR
FILED CASES**

I. APPLICABILITY AND SCOPE OF ORDER

1. This Implementation Order (“Order”) applies only to Local Government Entities and School Districts, including school districts, municipalities, county district attorneys, and counties, who have asserted or seek to assert claims related to Defendants’ social media platforms (“Local Government and School District Plaintiffs”) consistent with the scope of the October 11, 2022 Transfer Order initiating these MDL proceedings and the November 16, 2023 and November 21, 2023 Orders establishing a separate motion to dismiss briefing track and subcommittee for claims brought by Local Government and School District Plaintiffs.¹ See ECF Nos. 450, 451. No

¹ This Order does not apply to government entity cases filed by a State Attorney General or to personal injury cases.

claims by Local Government and School District Plaintiffs may be asserted in current or future filed cases in this MDL other than pursuant to the terms of this Order. This Order applies to cases directly filed in this MDL and those transferred, removed, or otherwise assigned to this proceeding (collectively, “this MDL proceeding”). This Order is binding on all Parties and their counsel in all such cases. This Order is not intended to alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Rules of this Court, except as specified herein or in any subsequent Pretrial Order. Defendants preserve all defenses, including jurisdictional and venue challenges, to any claims brought in this MDL pursuant to this Order.

II. MASTER PLEADINGS

A. MASTER COMPLAINT (LOCAL GOVERNMENT AND SCHOOL DISTRICT PLAINTIFFS)

2. **Timing.** Pursuant to a Minute Order entered on November 16, 2023,² the Local Government and School District Plaintiffs’ Steering Committee (PSC) filed a *Plaintiffs’ Master Complaint (Local Government and School District Plaintiffs)* (“*Master Complaint*”) on December 18, 2023.

3. **Effect of *Master Complaint*.** All claims pleaded in the *Master Complaint* will supersede and replace all claims for a Local Government and School District Plaintiff in any action pending in this MDL, except for those claims separately asserted in the Short-Form Complaint per the below. Nothing in this Order shall preclude the PSC from seeking leave to amend the *Master Complaint* as provided in the Federal Rules of Civil Procedure or preclude any Defendant from opposing such leave.

B. SHORT-FORM COMPLAINT

4. Attached as **Exhibit A** to the *Master Complaint* and this Order is a template form *Short-Form Complaint* (“SFC”) for use by Local Government and School District Plaintiffs in current and future-filed cases in this MDL.

5. The SFC is an abbreviated form that each individual Local Government and School District Plaintiff will complete, indicating their individual claims, the Defendants against whom

² Dkt. 450.

1 they are bringing those claims, and adopting the applicable factual allegations set forth in the
2 *Master Complaint* as the basis for those individual claims plus any additional factual allegations
3 the Local Government and School District Plaintiff includes in their SFC. Each Local Government
4 and School District Plaintiff who claims injury arising from Defendants' platforms shall file a
5 separate SFC setting forth their individual claims. By this process, all allegations applicable to the
6 specific Defendants named in the SFC that are set forth in the *Master Complaint* shall be deemed
7 pleaded against those Defendants.

8 6. For each such action by a Local Government and School District Plaintiff, the
9 *Master Complaint* (and any subsequent amendments) and the SFC (and any subsequent
10 amendments) shall be deemed the Plaintiff's operative Complaint.

11 7. Each SFC filed in this MDL proceeding shall indicate the federal district where the
12 individual Plaintiff(s) originally filed or would have originally filed their Complaint.

13 8. The procedures for filing the *Master Complaint* and the SFC do not reflect that the
14 Defendants have agreed to or admitted the allegations set forth in those pleadings, nor have the
15 Defendants conceded or waived their right to dispute the legal validity of the claims alleged therein.

16 9. **Timing and Effect of Filing Short Form Complaints**

17 a. **Complaints Transferred, or in the Process of Being Transferred, to this**
18 **MDL Before the Filing of this Order:** Any Local Government and School District Plaintiff whose
19 Complaint was transferred to this MDL or was in process of being transferred to this MDL before
20 the date of filing this Order must file a SFC in their individual case, referencing their individual
21 docket number to avoid the triggering of a filing fee, by January 30, 2024 or 14 days after entry of
22 this Order, whichever is later. For purposes of statutes of limitations and statutes of repose, any
23 such Local Government and School District Plaintiff shall be deemed to have filed their Complaint
24 as of the date they filed their original Complaint, and not the date of the *Master Complaint* or the
25 date they filed the SFC. Nothing in this Order or the filing of a SFC shall be construed as a prior
26 dismissal or amendment of a prior Complaint, but the prior Complaint shall no longer be deemed
27 the operative Complaint.

b. All Other Local Government and School District Complaints

i. **Direct Filed cases:** All Local Government and School District Plaintiffs must file their SFC electronically in this MDL. The Court refers the Plaintiffs' counsel to Case Management Order No. 4 – Direct Filing Order (“CMO-4”), or any amendments to CMO-4,³ which is incorporated herein and should be reviewed and followed. For purposes of statutes of limitations and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to have filed their Complaint as of the date they filed their SFC and not the date of the Master Complaint, except for any Local Government and School District Plaintiff who filed a Complaint in this MDL pursuant to CMO-4 before this Order was entered, the date on which they filed such Complaint shall be the relevant date.

ii. **Transferred cases:** Any Local Government and School District Plaintiff whose case becomes part of this MDL after the date of this Order by transfer from another district or from another judge in this district, must file a SFC within 20 days from the date of transfer or, if originally filed in this district, assignment to this Court. For purposes of statutes of limitations and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to have filed their Complaint as of the date they filed their original Complaint in a different judicial district or in this district and not the date of the Master Complaint or the date they filed their SFC.

c. **No Multi-Plaintiff Local Government and School District Complaints:** Each Local Government and School District Plaintiff must have an individual Complaint on file. Any Local Government and School District Plaintiff who asserts claims in a multi-plaintiff Complaint that is pending or that is subsequently transferred to this MDL must file an individual SFC by January 30, 2024, or 14 days after entry of this Order, whichever is later, or 20 days from the date that the Court posts the applicable Transfer Order on its docket.

III. RESPONSE TO MASTER COMPLAINT AND SHORT-FORM COMPLAINTS

10. To eliminate potential delays and to promote judicial efficiency with respect to the administration of this MDL proceeding, all SFCs filed in this MDL proceeding are deemed answered and denied, without waiver of any defense or right to move to dismiss, and with full

³ Dkt. 119.

1 preservation of all arguments and defenses that may be raised in any responsive pleading that may
2 be required by future order of the Court or motion to dismiss.

3 **IV. SERVICE OF PROCESS**

4 **A. SERVICE OF PROCESS OF NEWLY NAMED DEFENDANTS**

5 11. Local Government and School District Plaintiffs may file an action against any
6 Defendant not named in the current *Master Complaint* (“*Newly Named Defendants*”) directly in
7 the MDL by using the *Short-Form Complaint*⁴ and the *Master Complaint* which is deemed adopted
8 into any filed SFC.

9 12. By this Order, Local Government and School District Plaintiffs who name any
10 *Newly Named Defendant* in their SFC may effectuate service of process on each *Newly Named*
11 *Defendant* by serving upon each *Newly Named Defendant* named in the SFC, in accordance with
12 Rule 4 of the Federal Rules of Civil Procedure with the following:

- 13 a. a copy of the *Master Complaint*;
14 b. the SFC;
15 c. a copy of this Order; and,
16 d. a Summons.

17 13. The right of Defendants and *Newly Named Defendants* to challenge jurisdiction and
18 venue are hereby preserved and explicitly not waived by Plaintiffs’ direct filing of SFCs.

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⁴ See ¶¶ 7, 9 of the SFC.

1 B. SERVICE OF PROCESS OF THE DEFENDANTS NAMED IN THE
2 CURRENT MASTER COMPLAINT

3 14. CMO-4, Section II (G), is amended [see ECF No. 177, at ¶ 14] as follows: the
4 Defendants Meta Platforms, Inc., *formerly known as Facebook Inc.*; Instagram, LLC; Facebook
5 Operations, LLC; Facebook Payments, Inc.; Siculus, Inc.; Meta Platforms Technologies, LLC;
6 Meta Payments, Inc.; Whatsapp Inc.; Snap Inc.; ByteDance, Inc.; TikTok, Inc; ByteDance Ltd.;
7 TikTok Ltd.; TikTok LLC; YouTube, LLC; and Google LLC agree to waive formal service of
8 summons pursuant to Rule 4 of the Federal Rules of Civil Procedure. Please note that a Plaintiff
9 that is serving a SFC, Summons, and Civil Cover Sheet is **not** required to serve a copy of the *Master*
10 *Complaint* upon the currently named Defendants.

11 15. MDL Centrality will provide a mechanism for Plaintiffs to upload and serve copies
12 of the Complaint, Summons, and Civil Cover Sheet that were Electronically Filed with the Court
13 on Defendants. MDL Centrality is accessible at www.mdlcentrality.com/socialmedia. Each
14 Plaintiff, through counsel or *pro se*, may obtain authorized usernames and secure login passwords
15 to permit the use of MDL Centrality by emailing socialmedia@browngreer.com.

16 16. Plaintiffs must upload the file-stamped version of the SFC and a fillable PDF version
17 of the SFC to MDL Centrality on the same day that the SFC is filed with the Court. Service on
18 Defendants shall be deemed to occur when the submitting party has received the MDL Centrality
19 confirmation report that the materials have been successfully submitted to Defendants.

20 17. For any SFC filed *on or before* the date of this Order, a file-stamped copy of the
21 Short Form Complaint must be uploaded to MDL Centrality within fourteen (14) days of the date
22 of this Order. Additionally, if counsel possesses a fillable PDF version of any previously filed Short
23 Form Complaint, the fillable PDF version must also be uploaded to MDL Centrality by this date.

24 18. Plaintiffs shall make proof of electronic service to the Court as required by Rule
25 4(l)(1) of the Federal Rules of Civil Procedure. Plaintiffs may use the MDL Centrality report to
26 demonstrate proof of service.

27 19. In the event a Plaintiff intends to name a Defendant not listed above, the Plaintiff
28 must serve the unlisted Defendant by the methods of service prescribed by the Federal Rules of

1 Civil Procedure.

2 20. For all SFCs filed in, removed to, or transferred to this MDL: (i) all requests for
3 issuance of summons shall be made in the underlying constituent case, and not through the MDL
4 Master Docket File; (ii) all proofs of service shall be filed only in the underlying constituent case
5 and not in the MDL Master Docket File. Acceptance of electronic service shall not constitute a
6 waiver of any defense, and all defenses are preserved pursuant to Paragraph I(1).

7 **IT IS SO ORDERED,**

8 Dated: **February 20, 2024**


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10 YVONNE GONZALEZ ROGERS
11 UNITED STATES DISTRICT JUDGE
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EXHIBIT “A”

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-md-03047-YGR

MDL No. 3047

This Document Relates to:

Member Case No.:

[INSERT Member Case No. if available]

**LOCAL GOVERNMENT AND SCHOOL
DISTRICT MASTER SHORT-FORM
COMPLAINT AND DEMAND FOR JURY
TRIAL**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against the Defendant(s) named below by and through their undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Master Local Government and School District Complaint* ("Master Complaint") as it relates to the named Defendant(s) (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047, in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No 8.

Plaintiff(s) indicate(s) by checking the relevant boxes below the Parties and Causes of Actions specific to Plaintiff(s)' case.

1 Plaintiff(s), by and through their undersigned counsel, allege(s) as follows:

2 **I. DESIGNATED FORUM**

3 1. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s)
4 would have filed in the absence of direct filing:

5 _____
6 2. *For Transferred Cases:* Identify the Federal District Court in which the Plaintiff(s)
7 originally filed and the date of filing:

8 _____
9 **II. IDENTIFICATION OF PARTIES**

10 **A. PLAINTIFF(S)**

11 3. *Plaintiff(s):* Name(s) of the local government or school district alleging claims against
12 Defendant(s):

13 _____
14 4. Number of schools served in the Plaintiff(s)' school district or local community:

15 _____
16 5. Number of minors served in the Plaintiff(s)' school district or local community:

17 _____
18 6. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) is/are a resident and
19 citizen of [*Indicate State*]:

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B. DEFENDANT(S)7. Plaintiff(s) name(s) the following Defendant(s) in this action [*Check all that apply*]:**META ENTITIES**

- ☐ META PLATFORMS, INC.,
formerly known as Facebook, Inc.
- ☐ INSTAGRAM, LLC
- ☐ FACEBOOK PAYMENTS, INC.
- ☐ SICULUS, INC.
- ☐ FACEBOOK OPERATIONS, LLC

TIKTOK ENTITIES

- ☐ BYTEDANCE LTD
- ☐ BYTEDANCE INC.
- ☐ TIKTOK LTD
- ☐ TIKTOK LLC
- ☐ TIKTOK INC.

SNAP ENTITY

- ☐ SNAP, INC.

GOOGLE ENTITIES

- ☐ GOOGLE, LLC
- ☐ YOUTUBE, LLC

OTHER DEFENDANTS

For each "Other Defendant" Plaintiff(s) contends are additional parties and are liable or responsible for Plaintiff(s)' damages alleged herein, Plaintiff(s) must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each "Other Defendant" in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

	NAME	CITIZENSHIP
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III. CAUSES OF ACTION ASSERTED

8. The following Causes of Action asserted in the *Master Complaint*, and the allegations with regard thereto, are adopted in this *Short-Form Complaint* by reference (*check all that are adopted*):

Asserted Against ¹	Count Number	Cause of Action (COA)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ²	1	NEGLIGENCE
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s)	2	PUBLIC NUISANCE

NOTE

If Plaintiff(s) want(s) to allege additional Cause(s) of Action other than those selected in paragraph 8, which are the Causes(s) of Action set forth in the *Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

IV. ADDITIONAL CAUSES OF ACTION

9. Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against the following Defendants:

¹ For purposes of this paragraph, "entity" means those Defendants identified in Paragraph 7 (*e.g.*, "TikTok entities" means all TikTok Defendants against which Plaintiff(s) is/are asserting claims).

² Reference selected "Other Defendants" by the corresponding row number in the "Other Defendant(s)" chart identified in Paragraph 7.

JURY DEMAND

/s/ Signature

Attorneys for Plaintiff(s)